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Agenda items 41 and 42

Question of Palestine

The situation in the Middle East

Security Council
Fifty-seventh year

Letter dated 23 January 2002 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of a statement made on 23 January 2002 by the cabinet ministers of the State of Qatar condemning and denouncing Israel's violent attacks against the Palestinian people inside the occupied territory (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 41 and 42, and of the Security Council.

(*Signed*) Nassir Abdulaziz **Al-Nasser**
Ambassador
Permanent Representative

02-22841 (E) 240102 240102

Annex to the letter dated 23 January 2002 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

[Original: Arabic]

The Council of Ministers has voiced its condemnation of Israel's savage outrages and arbitrary actions against the Palestinian people in the occupied territories, which are in flagrant violation of international covenants and conventions. The Council has called upon the entire international community to meet all of its responsibilities with regard to this situation; to take action to protect the Palestinian people and ensure the removal of the blockade imposed on it; to provide support to the Palestinian National Authority; to halt the violence and brutality that is obstructing the peace process and heightening tension; and to strive for the resumption of negotiations between the two sides in the hope of achieving a just peace in the region.

United Nations S/2002/112

Security Council

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Letter dated 23 January 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith in an annex the request that the Government of the Democratic Republic of the Congo is addressing to the Security Council in order to facilitate the provision of humanitarian assistance to the disaster-stricken population of Goma and the surrounding area.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

02-22903 (E) 240102 240102

Annex to the letter dated 23 January 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Request addressed by the Democratic Republic of the Congo to the Security Council in order to facilitate the provision of humanitarian assistance to the disaster-stricken population of Goma and the surrounding area

Kinshasa, 22 January 2002

I. Status of the situation

1. *The facts*

On 16 January 2002, the Congolese town of Goma, the administrative centre of Nord-Kivu province, territory that is currently occupied by armed Rwandese troops supported by their allied rebel movement RCD/Goma, was struck by a devastating eruption of the Nyiragongo volcano.

The town of Goma, which was cut in two by the lava flow, has been practically destroyed together with all its infrastructures. More than half of the overall population estimated at 600,000 persons was forced, by the advancing lava, to seek refuge in neighbouring Rwanda under very precarious and unsafe conditions.

The other part of the population is either isolated in Goma or has withdrawn to the Goma-Saké and Goma-Rutshuru roads.

It should be noted that the borders remained closed, in accordance with a decision taken by Rwanda and RCD/Goma, for several hours at the beginning of the disaster, which dangerously exposed the population that was in flight and in search of shelter.

During this time, as a result of the ill treatment that they were subjected to in Rwanda (Rwandese officials, according to the victims, made them pay for everything, even for glasses of water and access to latrines), all the inhabitants concentrated in two camps near Gisenyi, one of which provided shelter to former Hutu soldiers and militia members, decided to leave Gisenyi and returned en masse to their town of Goma, even though it had been destroyed and was still in danger.

2. *Humanitarian consequences*

The humanitarian situation in Goma is most alarming.

The population of Goma and its surrounding area, living out in the cold without food, drinking water, electricity and medicine and exposed to all risks with regard to their safety and epidemic diseases, expects the Government to provide it with substantial assistance.

Taking advantage of the population movement towards Gisenyi, armed RCD/Goma groups systematically plundered the town of Goma, even destroying the logistics base and much of the equipment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

There is no drinking water to be found because Lake Kivu has been filled with sulphur (which kills even the fish), and the sewers have been blocked by the lava.

Gas fumes are creating serious breathing problems; and earthquakes are still frequent in areas of more than 100 kilometres. Epidemics are threatening the population, and the number of deaths is increasing every day. There are more than 300,000 displaced persons. Several children who were separated from their families wander about without any assistance.

3. *Urgent measures taken by the Government*

Following the extraordinary meeting of the Council of Ministers held on Saturday, 19 January 2002, the Government of the Democratic Republic of the Congo, acting in accordance with its duty to protect its population, took the following urgent measures:

- The town of Goma and its surrounding area were declared a "disaster area";
- A national crisis committee was set up in order to meet the most urgent needs of the population in partnership with the international community and humanitarian agencies;
- A governmental mission was sent immediately to the disaster area and the various reception sites, inter alia, in order to determine the exact situation and rapidly organize conditions for the return and resettlement of the displaced persons in our country;
- The sum of 450 million Congolese francs, or the equivalent of US$ 1.5 million, was provided for emergency operations;
- A special national solidarity fund was established to enable Congolese, wherever they are situated, to participate on a voluntary basis in providing moral and material support to the population of Goma and its surrounding area.

II. The primary authority of the Government of the Democratic Republic of the Congo to provide humanitarian assistance to its population

General Assembly resolution 43/131 of 8 December 1988 on humanitarian assistance to victims of natural disasters and similar emergency situations recognizes the primary role of the Government of the State where the natural disasters and emergency situations occur.

Accordingly, paragraph 2 of the resolution reaffirms "the sovereignty of affected States and their primary role in the initiation, organization, coordination and implementation of humanitarian assistance within their respective territories".

In accordance with general international and humanitarian law, all Governments have the obligation to provide help to and to assist and protect their populations and to report in that regard to the international community. This is also the case with regard to the Government of the Democratic Republic of the Congo, recognized by all States and international organizations as the sole legal authority representing and binding the Congolese State.

The action by Rwanda and RCD preventing the governmental mission of the Democratic Republic of the Congo from visiting Goma in order to assist the disaster-stricken and endangered population constitutes a flagrant violation of the duty of the Congolese Government to protect and provide humanitarian assistance to its population, represents a threat to human life and an infringement of human dignity, and also constitutes a crime against humanity.

The duty to provide humanitarian assistance is such an imperative that international law today recognizes that it applies even to the territory of foreign States. It was thus from this perspective that the Security Council adopted resolution 688 (1991) concerning aid to the Kurdish civilian population in Iraq and demanded that "Iraq cooperate with the Secretary-General to these ends" and "allow immediate access by international humanitarian organizations to all those in need of assistance". Humanitarian intervention is recognized today under certain conditions.

III. Other bases for the duty of the Congolese State to provide humanitarian assistance

In addition to the Lusaka Ceasefire Agreement of 10 July 1999 and the Republican Pact concluded in Gaborone on 25 August 2001, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, also provides a basis for the duty to provide humanitarian assistance, which the Government of the Democratic Republic of the Congo intends to assume.

1. *Lusaka Agreement of 10 July 1999*

The behaviour of Rwanda (and RCD), which was also a signatory of the Lusaka Agreement, is in flagrant contravention of article 3, paragraphs 6, 10 and 15, of the Agreement, which respectively stipulate:

> "The ceasefire shall guarantee the free movement of persons and goods throughout the national territory of the Democratic Republic of the Congo."
>
> "The Parties shall facilitate humanitarian assistance through the opening up of humanitarian corridors and creation of conditions conducive to the provision of urgent humanitarian assistance to displaced persons, refugees and other affected persons."
>
> "Nothing in this Agreement shall in any way undermine the sovereignty and territorial integrity of the Democratic Republic of the Congo."

2. *The Republican Pact concluded in Gaborone on 25 August 2001*

The participants in the inter-Congolese political negotiations (including RCD), undertook the commitment in particular "to guarantee the free movement of persons and goods".

Nevertheless, in its communiqué of 20 January 2002, RCD/Goma (the rebel movement supported by Rwanda), a signatory of the Republican Pact, stated that it was opposed to the sending of the emergency governmental mission to Goma.

This attitude on the part of RCD is aimed only at aggravating the inhumane treatment to which the Rwandese occupation forces have continued to subject the population since the beginning of the war of aggression in 1998.

3. *Geneva Convention relative to the Protection of Civilian Persons in Time of War*

Article 23 of this Convention provides that "Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases".

IV. Conclusions

In view of the foregoing, the Government of the Democratic Republic of the Congo urgently requests the Security Council to demand that Rwanda and RCD/Goma:

1. Facilitate the organization and coordination of the provision of humanitarian assistance to the disaster-stricken population of Goma and its surrounding area by the Government of the Democratic Republic of the Congo;

2. Facilitate all humanitarian operations and actions on the part of international humanitarian organizations, non-governmental organizations and all States to which the Government of the Democratic Republic of the Congo has appealed, by permitting immediate access to all those who are in need of assistance;

3. Open humanitarian corridors for facilitating the provision of aid to the disaster-stricken persons;

4. Use "all necessary means" to re-establish the recognized rights of the Congolese State and its disaster-stricken population in Goma and the surrounding area, in accordance with Chapter VII of the Charter of the United Nations.

United Nations S/2002/113

Security Council

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Letter dated 24 January 2002 from the Permanent Representative of the Democratic Republic of the Congo addressed to the President of the Security Council

On instructions from my Government, I regret to have to denounce the numerous impediments which Rwanda and the Rassemblement congolais pour la démocratie (RCD)/Goma are creating to the normal delivery of humanitarian assistance to the Congolese population of the city of Goma. Unfortunately, those obstacles have the effect of considerably increasing the despair, vulnerability and suffering of disaster victims, especially the most defenceless groups, namely, women and children.

My Government also denounces the harassment and ill treatment of the population of Goma by armed members of the Rwandan Patriotic Army and RCD/Goma, which in some cases have resulted in the vile killing of innocent civilians in cold blood.

Accordingly, further to the request made on 23 January 2002 with a view to facilitating the delivery of humanitarian assistance to the stricken population of Goma and the surrounding area, my Government, recalling the relevant provisions of paragraphs 19 and 20 of Security Council resolution 1355 (2001) of 15 June 2001 and paragraph 12 (vi) and (vii) of Council resolution 1376 (2001) of 9 November 2001, requests the Council:

(a) To condemn firmly as contrary to international human rights law and international humanitarian law, especially the Geneva Conventions and the Protocols Additional thereto, the attitude of Rwanda and RCD/Goma in opposing access by the Government to its stricken population in Goma and the surrounding area;

(b) To demand that Rwanda and RCD/Goma:

(i) Facilitate the organization and coordination by the Government of the Democratic Republic of the Congo of the delivery of humanitarian assistance to the stricken population of Goma and the surrounding area;

(ii) Facilitate all operations and humanitarian activities of international humanitarian organizations, non-governmental organizations and all States to which the Government of the Democratic Republic of the Congo has appealed for help, by allowing immediate access to all those who are in need of assistance;

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(iii) Open humanitarian corridors to facilitate relief efforts for victims of the disaster;

(c) Use all means necessary to restore the rights of the Congolese State, which has an urgent duty to assist the stricken population of Goma and the surrounding area, by invoking Chapter VII of the Charter of the United Nations.

My Government requests that you have this letter circulated as a document of the Security Council.

(*Signed*) Ileka **Atoki**
Ambassador
Permanent Representative

United Nations A/56/792–S/2002/114

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Security Council

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General Assembly
Fifty-sixth session
Agenda item 42
The situation in the Middle East

Security Council
Fifty-seventh year

Letter dated 24 January 2002 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

While Israel persists in its aggression against Lebanon and in its flagrant violations of Lebanon's sovereignty and territorial integrity on a daily basis, Israeli warplanes again penetrated Lebanese airspace on Wednesday, 23 January 2002, violating Lebanese sovereignty in the central sector of southern Lebanon.

Israeli forces also proceeded to bombard Lebanese territory with 155-millimetre shells from their positions in the occupied Shab'a farmlands, while Israeli aircraft attacked the Kafr Shuba area and other areas nearby and continued their overflights of Hasbayya, Marj Uyun, Bint Jubayl and the western Bekaa.

Lebanon stresses that these ongoing Israeli incursions are serious provocations and violations that occur on a daily basis, as you state in paragraph 3 of your reports of 20 July 2001 and 16 January 2002 (S/2001/714 and S/2002/55). Lebanon also affirms that the continuing aerial violations of the Blue Line and deep penetrations of Lebanese airspace are not justified and are carried out despite the démarches of the United Nations and concerned governments calling on Israel to halt them and to respect the Blue Line and Lebanese sovereignty, as described in your most recent report, since they are manifestly in breach of Security Council resolution 425 (1978) and pose a threat to security and stability in the region. The persistent incursions and violations being committed on land, at sea and in the air have begun to escalate, inasmuch as there were 63 in October 2001, 45 in November 2001 and 75 in December 2001.

Lebanon calls attention to the dangerous character of Israel's breaches and violations of its sovereignty, independence and territorial integrity, and it lodges with you and with the Security Council its protest at their persistence, demanding that they be condemned, halted and prevented from recurring.

Lebanon takes this opportunity to thank you for the observations and recommendations made in your most recent report concerning the incursions and violations in question.

02-23063 (E) 250102 250102

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 42, and of the Security Council.

(*Signed*) Sélim **Tadmoury**
Ambassador
Permanent Representative

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Security Council

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General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 24 January 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

Further to my letter dated 17 January 2002 (A/56/778-S/2002/79), I wish to draw your attention to additional attacks perpetrated by Hizbullah terrorists across the Blue Line. Those attacks constitute a serious escalation along the northern border and pose a threat to peace and security in the area.

In the afternoon hours yesterday, Hizbullah launched a heavy attack against Israeli positions in the Mount Dov region. That unprovoked cross-border attack included the use of dozens of mortar shells, anti-tank and anti-aircraft fire and Katyusha rockets. Yesterday's attack comes barely one week after Hizbullah terrorists fired anti-aircraft shells at aircraft that were flying in Israeli airspace, in an incident referred to in my aforementioned letter. Those attacks — taken together with Hizbullah's support for Palestinian terrorist organizations, including Hizbullah's role in the attempted smuggling of 50 tons of weapons aboard the Karine A — signal a substantial escalation in Hizbullah's terrorist campaign against Israel. Other major Hizbullah attacks have been detailed in my letters dated 24 October 2001 (A/56/507-S/2001/1012), 5 October 2001 (A/56/443-S/2001/942), 6 July 2001 (A/56/161-S/2001/673), 16 April 2001 (S/2001/367), 16 February 2001 (A/55/792-S/2001/142), 6 February 2001 (A/55/767-S/2001/111), 26 November 2000 (S/2000/1121), 23 October 2000 (S/2000/1011), 19 October 2000 (S/2000/1002) and 7 October 2000 (S/2000/969).

Despite Israel's full and confirmed compliance with Security Council resolution 425 (1978), Hizbullah has continually launched attacks against Israel across the Blue Line. Those attacks are unleashed from Lebanese territory, with the full support and assistance of the Governments of Syria and Iran, both countries with lengthy and well documented records of support for terrorist activities. Syria and Iran have long provided Hizbullah with financial, political and organizational assistance, and continue to harbour known terrorists and provide them with training grounds. Furthermore, Lebanon's failure to fulfil its obligations under international law and pursuant to Security Council resolutions 425 (1978), 426 (1978), 1310 (2000), 1337 (2001) and 1365 (2001) — which call for the restoration of international peace and security, the return of the effective authority and presence of

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the Government of Lebanon in the south and respect for the integrity of the Blue Line — has granted Hizbullah the freedom necessary to plan and launch cross-border attacks. In the face of continuing attacks emanating from Lebanese territory, Israel reserves its right and its duty under international law to protect its northern border.

As the Secretary-General observed in his most recent report on the United Nations Interim Force in Lebanon, dated 16 January 2002 (S/2002/55), "The Government of Lebanon has continued to let Hizbollah operate close to the Blue Line. More steps can be taken to extend the Government's authority to all of southern Lebanon, as called for by the Council most recently in its resolution 1365 (2001)." The Secretary-General further stressed the critical need to prevent attacks from being launched across the Blue Line and to refrain from any action that could serve to destabilize the situation. Those statements, as well as established principles of international law, belie any contention that armed attacks across the Blue Line are somehow legitimate.

Although the Secretary-General and responsible members of the international community have been unequivocal in demanding respect for the Blue Line, recent events suggest that Hizbullah and its supporters are intent on continuing to escalate cross-border attacks against Israel. The international community must make it unambiguously clear that Hizbullah, with its expansive network of terrorist cells and its long history of committing terrorist atrocities, will not be permitted to flout the will of the Security Council and the principles of international law and continue to operate with impunity. It is imperative that concerted and unrelenting pressure be brought to bear on Hizbullah and the Governments that support it to compel them to bring their actions into accord with the will of the international community and the resolutions of the Security Council.

I should be grateful if you would arrange to have the present letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative